

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 03-22046-CIV-WILLIAMS/TORRES

JUAN SALINAS,

Plaintiff,

vs.

SUE ANN RAMSEY,

Defendants.

/

ORDER ON MOTION TO COMPEL

This matter is before the Court on Plaintiff Juan Salinas's ("Plaintiff") Motion to Compel Defendant Sue Ann Ramsey to complete fact information sheet in aid of execution pursuant to Florida Rule of Civil Procedure 1.560 and 1.977 within 30 days. [D.E. 63]. The Court has carefully reviewed the motion and relevant authority in this case. Based upon a thorough review of the record, and for the reasons set forth below, the motion is **GRANTED**.

Preliminarily, the Court is entitled to rely upon Local Rule 7.1(c) in granting the motion: "Failure to [file a timely opposing memorandum] may be deemed sufficient cause for granting the motion by default." That Rule may undeniably be enforced and relied upon by a district court in the proper management of its cases. *See, e.g., Digioia v. H. Koch & Sons, Div. of Wickes Mfg. Co.*, 944 F.2d 809, 811 (11th Cir. 1991).

Defendant did not timely respond to the motion, and the Court has sufficient cause to grant the motion by default.

Apart from that procedural default, Plaintiff is entitled to relief under Florida law based upon a still-unpaid judgment entered in this case. As the Court of Appeals concluded, Florida law permits Plaintiff to pursue post-judgment collection efforts and discovery in connection with this 2004 judgment.

Therefore, for good cause shown, and in the absence of any timely opposition to the motion, the Court **GRANTS** Plaintiff Salinas's Motion to Compel. Defendant Sue Ann Ramsey shall complete form 1.977 and provide said form with all supporting documentation to Plaintiff's counsel on or before October 25, 2018. Failure to comply with this Order may result in the Court finding Defendant in contempt of court and entitle Plaintiff to any relief necessary to enforce the Court's jurisdiction.

DONE AND ORDERED in Chambers at Miami, Florida this 26th day of September, 2018.

/s/ *Edwin G. Torres*
EDWIN G. TORRES
United States Magistrate Judge

cc: Sue Ann Ramsey
61 The Glens Blvd., Banner Elk, NC 28604 and
1212 Weybridge LN B, Dunedin, Florida 34698

FORM 1.977

FLORIDA RULES OF CIVIL PROCEDURE

FORM 1.977

FORM 1.977. FACT INFORMATION SHEET**(a) For Individuals.**

(CAPTION)

FACT INFORMATION SHEET

Full Legal Name: _____
 Nicknames or Aliases: _____
 Residence Address: _____
 Mailing Address (if different): _____
 Telephone Numbers: (Home) _____ (Business) _____
 Name of Employer: _____
 Address of Employer: _____
 Position or Job Description: _____
 Rate of Pay: \$ ____ per _____. Average Paycheck: \$ ____ per _____.
 Average Commissions or Bonuses: \$ ____ per _____.
 Commissions or bonuses are based on _____.
 Other Personal Income: \$ ____ from _____.
 (Explain details on the back of this sheet or an additional sheet if necessary.)
 Social Security Number: _____ Birthdate: _____
 Driver's License Number: _____
 Marital Status: ____ Spouse's Name: _____

Spouse Related Portion

Spouse's Address (if different): _____
 Spouse's Social Security Number: _____ Birthdate: _____
 Spouse's Employer: _____
 Spouse's Average Paycheck or Income: \$ ____ per _____.
 Other Family Income: \$ ____ per _____. (Explain details on back of this sheet or an additional sheet if necessary.)
 Describe all other accounts or investments you may have, including stocks, mutual funds, savings bonds, or annuities, on the back of this sheet or on an additional sheet if necessary.

Names and Ages of All Your Children (and addresses if not living with you): _____
 Child Support or Alimony Paid: \$ ____ per _____.
 Names of Others You Live With: _____
 Who is Head of Your Household? ____ You ____ Spouse ____ Other Person
 Checking Account at: _____ Account # _____
 Savings Account at: _____ Account # _____

For Real Estate (land) You Own or Are Buying:

Address: _____
 All Names on Title: _____
 Mortgage Owed to: _____
 Balance Owed: _____
 Monthly Payment: \$ _____.
 (Attach a copy of the deed or mortgage, or list the legal description of the property on the back of this sheet or an additional sheet if necessary. Also provide the same information on any other property you own or are buying.)

FORM 1.977

FLORIDA RULES OF CIVIL PROCEDURE

FORM 1.977

For All Motor Vehicles You Own or Are Buying:

Year/Make/Model: _____ Color: _____

Vehicle ID #: _____ Tag No: _____ Mileage: _____

Names on Title: _____ Present Value: \$ _____

Loan Owed to: _____

Balance on Loan: \$ _____

Monthly Payment: \$ _____

(List all other automobiles, as well as other vehicles, such as boats, motorcycles, bicycles, or aircraft, on the back of this sheet or an additional sheet if necessary.)

Have you given, sold, loaned, or transferred any real or personal property worth more than \$100 to any person in the last year? If your answer is "yes," describe the property, market value, and sale price, and give the name and address of the person who received the property.

Does anyone owe you money? Amount Owed: \$ _____

Name and Address of Person Owing Money: _____

Reason money is owed: _____

Please attach copies of the following:

- a. Your last pay stub.
- b. Your last 3 statements for each bank, savings, credit union, or other financial account.
- c. Your motor vehicle registrations and titles.
- d. Any deeds or titles to any real or personal property you own or are buying, or leases to property you are renting.
- e. Your financial statements, loan applications, or lists of assets and liabilities submitted to any person or entity within the last 3 years.
- f. Your last 2 income tax returns filed.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

Judgment Debtor

STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledged before me this day of, (year), by who is personally known to me or has produced as identification and whodid/did not.... take an oath.

WITNESS my hand and official seal, this day of,(year).....

Notary Public
State of Florida

My Commission expires:

FORM 1.977

FLORIDA RULES OF CIVIL PROCEDURE

FORM 1.977

THE JUDGMENT DEBTOR SHALL FILE WITH THE CLERK OF THE COURT A NOTICE OF COMPLIANCE AFTER THE ORIGINAL FACT INFORMATION SHEET, TOGETHER WITH ALL ATTACHMENTS, HAS BEEN DELIVERED TO THE JUDGMENT CREDITOR'S ATTORNEY, OR TO THE JUDGMENT CREDITOR IF THE JUDGMENT CREDITOR IS NOT REPRESENTED BY AN ATTORNEY.

(b) For Corporations and Other Business Entities.

(CAPTION)

FACT INFORMATION SHEET

Name of entity: _____

Name and title of person filling out this form: _____

Telephone number: _____

Place of business: _____

Mailing address (if different): _____

Gross/taxable income reported for federal income tax purposes last three years:

\$ ____ /\$ ____ \$ ____ /\$ ____ \$ ____ /\$ ____

Taxpayer identification number: _____

Is this entity an S corporation for federal income tax purposes? _____ Yes _____ No

Average number of employees per month _____

Name of each shareholder, member, or partner owning 5% or more of the entity's common stock, preferred stock, or other equity interest:

_____Names of officers, directors, members, or partners: _____

Checking account at: _____ Account #: _____

Savings account at: _____ Account #: _____

Does the entity own any vehicles? _____ Yes _____ No

For each vehicle please state:

Year/Make/Model: _____ Color: _____

Vehicle ID No: _____ Tag No: _____ Mileage: _____

Names on Title: _____ Present Value: \$ _____

Loan Owed to: _____

Balance on Loan: \$ _____

Monthly Payment: \$ _____

Does the entity own any real property? _____ Yes _____ No

If yes, please state the address(es): _____

Please check if the entity owns the following:

 Boat Camper Stocks/bonds Other real property Other personal property

FORM 1.977

FLORIDA RULES OF CIVIL PROCEDURE

FORM 1.977

Please attach copies of the following:

1. Copies of state and federal income tax returns for the past 3 years.
2. All bank, savings and loan, and other account books and statements for accounts in institutions in which the entity had any legal or equitable interest for the past 3 years.
3. All canceled checks for the 12 months immediately preceding the service date of this Fact Information Sheet for accounts in which the entity held any legal or equitable interest.
4. All deeds, leases, mortgages, or other written instruments evidencing any interest in or ownership of real property at any time within the 12 months immediately preceding the date this lawsuit was filed.
5. Bills of sale or other written evidence of the gift, sale, purchase, or other transfer of any personal or real property to or from the entity within the 12 months immediately preceding the date this lawsuit was filed.
6. Motor vehicle or vessel documents, including titles and registrations relating to any motor vehicles or vessels owned by the entity alone or with others.
7. Financial statements as to the entity's assets, liabilities, and owner's equity prepared within the 12 months immediately preceding the service date of this Fact Information Sheet.
8. Minutes of all meetings of the entity's members, partners, shareholders, or board of directors held within 2 years of the service date of this Fact Information Sheet.
9. Resolutions of the entity's members, partners, shareholders, or board of directors passed within 2 years of the service date of this Fact Information Sheet.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

Judgment Debtor's Designated
Representative/Title

STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledged before me on(date)...., by , who is personally known to me or has produced as identification and whodid/did not..... take an oath.

WITNESS my hand and official seal, this day of,(year).....

Notary Public
State of Florida

My Commission expires:

THE JUDGMENT DEBTOR SHALL FILE WITH THE CLERK OF THE COURT A NOTICE OF COMPLIANCE AFTER THE ORIGINAL FACT INFORMATION SHEET, TOGETHER WITH ALL ATTACHMENTS, HAS BEEN DELIVERED TO THE JUDGMENT CREDITOR'S ATTORNEY, OR TO THE JUDGMENT CREDITOR IF THE JUDGMENT CREDITOR IS NOT REPRESENTED BY AN ATTORNEY.

Committee Notes

2000 Adoption. This form is added to comply with amendments to rule 1.560.